



General Assembly

January Session, 2001

Amendment

LCO No. 6204

Offered by:

REP. DAVIS, 50th Dist.

REP. FONTANA, 87th Dist.

REP. BLACKWELL, 12th Dist.

To: House Bill No. 6599

File No. 211

Cal. No. 185

"AN ACT CONCERNING LOCAL ZONING."

1 Strike out lines 1 to 106, inclusive, in their entirety and insert the
2 following in lieu thereof:

3 "Section 8-2 of the general statutes is repealed and the following is
4 substituted in lieu thereof:

5 (a) The zoning commission of each city, town or borough is
6 authorized to regulate, within the limits of such municipality, the
7 height, number of stories and size of buildings and other structures;
8 the percentage of the area of the lot that may be occupied; the size of
9 yards, courts and other open spaces; the density of population and the
10 location and use of buildings, structures and land for trade, industry,
11 residence or other purposes, including water-dependent uses as
12 defined in section 22a-93, and the height, size and location of
13 advertising signs and billboards. Such bulk regulations may allow for
14 cluster development as defined in section 8-18. Such zoning

15 commission may divide the municipality into districts of such number,
16 shape and area as may be best suited to carry out the purposes of this
17 chapter; and, within such districts, it may regulate the erection,
18 construction, reconstruction, alteration or use of buildings or
19 structures and the use of land. All such regulations shall be uniform
20 for each class or kind of buildings, structures or use of land throughout
21 each district, but the regulations in one district may differ from those
22 in another district, and may provide that certain classes or kinds of
23 buildings, structures or uses of land are permitted only after obtaining
24 a special permit or special exception from a zoning commission,
25 planning commission, combined planning and zoning commission or
26 zoning board of appeals, whichever commission or board the
27 regulations may, notwithstanding any special act to the contrary,
28 designate, subject to standards set forth in the regulations and to
29 conditions necessary to protect the public health, safety, convenience
30 and property values. Such regulations shall be made in accordance
31 with a comprehensive plan and [in adopting such regulations the
32 commission shall consider] on and after October 1, 2003, shall be
33 consistent with the plan of conservation and development prepared
34 under section 8-23. Such regulations shall be designed to lessen
35 congestion in the streets; to secure safety from fire, panic, flood and
36 other dangers; to promote health and the general welfare; to provide
37 adequate light and air; to prevent the overcrowding of land; to avoid
38 undue concentration of population and to facilitate the adequate
39 provision for transportation, water, sewerage, schools, parks and other
40 public requirements. Such regulations shall be made with reasonable
41 consideration as to the character of the district and its peculiar
42 suitability for particular uses and with a view to conserving the value
43 of buildings and encouraging the most appropriate use of land
44 throughout such municipality. Such regulations may, to the extent
45 consistent with soil types, terrain, infrastructure capacity and the plan
46 of conservation and development for the community, provide for
47 cluster development, as defined in section 8-18, in residential zones.
48 Such regulations shall also encourage the development of housing
49 opportunities, including opportunities for multifamily dwellings,

50 consistent with soil types, terrain and infrastructure capacity, for all
51 residents of the municipality and the planning region in which the
52 municipality is located, as designated by the Secretary of the Office of
53 Policy and Management under section 16a-4a. Such regulations shall
54 also promote housing choice and economic diversity in housing,
55 including housing for both low and moderate income households, and
56 shall encourage the development of housing which will meet the
57 housing needs identified in the housing plan prepared pursuant to
58 section 8-37t and in the housing component and the other components
59 of the state plan of conservation and development prepared pursuant
60 to section 16a-26. Zoning regulations shall be made with reasonable
61 consideration for their impact on agriculture. Zoning regulations may
62 be made with reasonable consideration for the protection of historic
63 factors and shall be made with reasonable consideration for the
64 protection of existing and potential public surface and ground
65 drinking water supplies. On and after July 1, 1985, the regulations shall
66 provide that proper provision be made for soil erosion and sediment
67 control pursuant to section 22a-329. Such regulations may also
68 encourage energy-efficient patterns of development, the use of solar
69 and other renewable forms of energy, and energy conservation. The
70 regulations may also provide for incentives for developers who use
71 passive solar energy techniques, as defined in subsection (b) of section
72 8-25, in planning a residential subdivision development. The
73 incentives may include, but not be limited to, cluster development,
74 higher density development and performance standards for roads,
75 sidewalks and underground facilities in the subdivision. Such
76 regulations may provide for a municipal system for the creation of
77 development rights and the permanent transfer of such development
78 rights, which may include a system for the variance of density limits in
79 connection with any such transfer. Such regulations may also provide
80 for notice requirements in addition to those required by this chapter.
81 Such regulations may provide for conditions on operations to collect
82 spring water or well water, as defined in section 21a-150, including the
83 time, place and manner of such operations. No such regulations shall
84 prohibit the operation of any family day care home or group day care

85 home in a residential zone. Such regulations shall not impose
86 conditions and requirements on manufactured homes having as their
87 narrowest dimension twenty-two feet or more and built in accordance
88 with federal manufactured home construction and safety standards or
89 on lots containing such manufactured homes which are substantially
90 different from conditions and requirements imposed on single-family
91 dwellings and lots containing single-family dwellings. Such
92 regulations shall not impose conditions and requirements on
93 developments to be occupied by manufactured homes having as their
94 narrowest dimension twenty-two feet or more and built in accordance
95 with federal manufactured home construction and safety standards
96 which are substantially different from conditions and requirements
97 imposed on multifamily dwellings, lots containing multifamily
98 dwellings, cluster developments or planned unit developments. Such
99 regulations shall not prohibit the continuance of any nonconforming
100 use, building or structure existing at the time of the adoption of such
101 regulations. Such regulations shall not provide for the termination of
102 any nonconforming use solely as a result of nonuse for a specified
103 period of time without regard to the intent of the property owner to
104 maintain that use. Any city, town or borough which adopts the
105 provisions of this chapter may, by vote of its legislative body, exempt
106 municipal property from the regulations prescribed by the zoning
107 commission of such city, town or borough; but unless it is so voted
108 municipal property shall be subject to such regulations."